

REMARKS

In view of the following remarks responsive to the Office Action dated April 9, 2007, Applicant respectfully requests favorable reconsideration of this application.

Applicant respectfully thanks the Office for the withdrawal of the previous prior art rejections asserted against the claims in this case in view of Applicant's prior arguments, which the Office found persuasive. However, the Office has asserted new prior art rejections against all pending claims. Particularly, the Office rejected claim 1 as anticipated by Yasuda. The Office further rejected claims 1-3, 5, 6, and 15-19 as obvious over Yasuda in view of Kim. Yasuda is newly cited. Kim was previously cited and was used as a secondary reference in essentially the same manner that it is being used in the present rejections.

Applicant respectfully traverses. Particularly, the Gong reference, which was used as the primary reference in the previous rejections, and the Yasuda reference, which is used as the primary reference in the present rejections, are exactly the same in all relevant respects. Therefore, the present invention as claimed distinguishes over Yasuda and Yasuda in combination with Kim (hereinafter Yasuda/Kim) for exactly the same reasons that the Office found persuasive in connection with the previous rejections based on Gong and Gong/Kim.

Particularly, in the response to the previous Office Action, Applicant had amended the claims to expressly state that operation of the "first switch" both takes the phone off hook and routes the call to the handset regardless of whether the headset is connected "and regardless of the condition of any other switch of said mobile station" (see independent claims 1 and 15).

The Gong reference had a hands-free switch separate from the TALK button that dictated whether the call audio was routed to the headset or to the handset. Accordingly, Gong or Gong/Kim did not meet the limitations of the claims and the Office therefore found the claims patentable thereover.

Yasuda is exactly the same as Gong in this respect. Particularly, there is a hands-free switch 41 in Yasuda separate from the switch off-hook 44 that dictates whether the call is routed to the handset 32 or the headset 33. Particularly, with reference to Figure 3 and column 6, lines 1-47 (the exact portion of Yasuda referred

to by the Office), there is an off-hook switch 44 that takes the phone off hook to make a call or to accept an incoming call. Column 6, lines 7-12. However, there is another switch, namely, hands-free switch 41 on the telephone that "enables control section 45 to connect headset 33 with receiving line 39 and transmitting line 40, instead of handset 32, via switches 34, 35, 36, 37 and side tone circuit 38". Column 4, lines 55-58. See also column 6, lines 18-24, 41-47, and 48-57. See also the flowchart of Figure 9A. Furthermore, with reference to Figure 3 and column 6, user operable hands-free switch 41 sends a signal to the control section 45 which controls switches 34 and 35 to select between the handset 32 in the headset 33. Accordingly, just like Gong, Yasuda does not meet the limitation of routing the call to the handset "regardless of the condition of any other switch of said mobile station". Rather, the routing is responsive to hands-free switch 41.

Accordingly, the present invention distinguishes over Yasuda and Yasuda/Kim for exactly the same reasons that it distinguishes over Gong and Gong/Kim and that the Office has already accepted.

As discussed in response to the previous Office Actions, the secondary reference, Kim, also does not teach the above-discussed feature lacking from Gong and Yasuda. Accordingly, claim 1 patentably distinguishes over the prior art of record.

Claims 2-6 depend from claim 1 and, therefore, distinguish over the prior art of record for at least the same reasons.

Claim 15 is an independent method claim that recites a similar distinction over the prior art. Particularly, the prior art of record does not teach "responsive to operation of the single first switch, initiating or accepting a call and routing the call on the first audio path regardless of whether said headset is connected to said handset and regardless of the condition of any other switch of said mobile station". Accordingly, claim 15 patentably distinguishes over the prior art of record for the same reasons discussed above with respect to claim 1.

Claims 16-24 depend from claim 15 and, therefore, distinguish over the prior art of record for at least all of the same reasons discussed above in connection with claim 15. The secondary references, Kim and Bowen, do not remedy the aforementioned shortcomings of the primary reference.

In view of the foregoing amendments and remarks, this application is now in condition for allowance. Applicant respectfully requests the Examiner to issue a Notice of Allowance at the earliest possible date. The Examiner is invited to contact Applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,

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